

# MICHIGAN SUPREME COURT



## *Office of Public Information*

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FOR IMMEDIATE RELEASE

### **PROPOSAL TO ALLOW COURT CLERKS TO REJECT DEFICIENT CASE FILINGS ON MICHIGAN SUPREME COURT PUBLIC HEARING AGENDA ON SEPT. 15; PUBLIC ADMINISTRATIVE CONFERENCE TO FOLLOW**

**Chief Justice Kelly welcomes Justice Alton T. Davis to first public appearance with the Court**

LANSING, MI, September 2, 2010 – A proposed rule that would allow a court clerk to reject and return court filings that the clerk deems to be deficient is on the agenda of the Michigan Supreme Court's September 15 [public administrative hearing](#).

The event marks the first public appearance of Justice Alton T. Davis at a Supreme Court hearing, Chief Justice Marilyn Kelly noted.

"I know that my fellow justices and the Supreme Court staff join me in welcoming our new colleague," Kelly said. "Justice Davis has joined the Court as we begin a new term and a new chapter in our Court's history. We are glad to have this experienced jurist with us and look forward to working together."

Kelly noted that Justice Elizabeth Weaver, who stepped down on August 26, served on the Court for 16 years. "I wish her well as she embarks on a new phase in her life," Kelly said. "Betty Weaver can now enjoy her retirement in the northern Michigan she loves so deeply."

The first item on the Court's public hearing agenda ([ADM File No. 2005-32](#)) is a proposed court rule change that would allow a court clerk to screen documents filed with the court in civil cases to see if they comply with "requirements contained in the Michigan statutes." The party whose filings are returned would have several options, including that the party may ask that a judge review the filing in some circumstances. There would be no additional charge for the judge's review.

The Supreme Court's [public administrative conference](#) will follow the administrative hearing. Both will take place in the courtroom on the 6<sup>th</sup> floor of the Michigan Hall of Justice at 925 West Ottawa Street in Lansing. The public hearing will begin at 9:30 a.m. and adjourn no later than 11:30 a.m.; the administrative conference will follow after a brief break.

Also on the Court's public hearing agenda is a proposal that would allow law students, and recent law school graduates who have not yet been admitted to the practice of law, to argue some cases before the Michigan Court of Appeals.

The proposal ([ADM File No. 2009-25](#)) would allow a law student or recent law school graduate to participate in Court of Appeals oral arguments if he or she is a member of a legal aid clinic that serves indigent people. The student or graduate could only argue the case with the permission of a majority of the Court of Appeals panel that is hearing the case. The rule change,

which originated with the University of Michigan Law School, would expand current rules allowing legal aid clinic students and recent law graduates to appear before trial courts.

The Court's agenda also includes ([ADM File No. 2009-19](#)), which would replace current court rules allowing late appeals with a new rule that would extend the period for filing an appeal if the party making the appeal could show "excusable neglect." Under Michigan Court Rule (MCR) 7.205, a party may file a delayed application for leave to appeal within one year of the entry of the judgment or order being appealed from, or of the court order or judgment that could have been the basis for an appeal. Along with the late appeal, the party must file a statement giving reasons for the delay; those reasons can be challenged by the opposing party, the current rules provide. The proposed changes would allow, on a showing of excusable neglect, an extension up to 35 days of the original appeal period. The proposal would also impose a one-year limit on motions seeking relief from judgment; current rules do not impose a time limit on such motions, although other procedural restrictions apply.

Also on the Court's public hearing agenda:

- [ADM File No. 2008-38](#). This proposal would amend MCR 6.201 to make clear that electronically recorded information must be shared between prosecutors and defense counsel as part of discovery in criminal cases.
- [ADM File No. 2009-30](#). This proposed amendment of MCR 1.108 would allow a computed period of time – for example, filing deadlines for court documents – to be extended to the next day the court is open when the last day in the period is a day that the court was closed by court order.
- [ADM File No. 2010-08](#). This proposal concerns caseflow management guidelines for Michigan trial courts. The proposal would replace Supreme Court Administrative Order No. 2003-7 with a new administrative order to update the guidelines.
- [ADM File No. 2010-09](#). These proposed amendments of MCR 3.973, 3.975, and 3.976 would clarify how courts use reports of the Foster Care Review Board in child welfare cases.

These and other proposed or recently-adopted rules may be viewed online at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/index.htm#proposed>.

The Court regularly holds public hearings as part of its public comment process for proposed court rules and other administrative matters, and invites members of the public to share their views on agenda items. Those wishing to speak at this hearing should contact the Clerk of the Court at [MSC\\_clerk@courts.mi.gov](mailto:MSC_clerk@courts.mi.gov) or by mail at P.O. Box 30052, Lansing, MI 48909 no later than September 13 and should refer to the ADM file number for the items on which they wish to address the Court. Speakers will have three minutes each to present their views and may be asked questions by the justices.

Public administrative conferences agendas may be viewed online at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/AdminConf.htm>.

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